

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7-8 and 11-12, 14-24 and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (US 6,236,981 B1).

For claim 1, Hill et al. teaches:

An information processing device storing user information related to a user and configured to communicate with a plurality of other information processing devices, said information processing device comprising:
presenting means for presenting by wireless communication user information to be read or changed by a music reproduction device [payment token from user to merchant platform, column 2, lines 11-12; col 13, lines 12-17], said user information includes music preference information indicating music preferences of said user [user input part of request, column 2, lines 11-12], and said user information is updated on a basis of a history of use of contents provided from said music reproduction device [payer module honors requests based on history of previous transactions, column 13, lines 12-17]; specifying means for specifying permission to read or change the user information presented by said presenting means [user registration database for authentication of user, column 9, lines 28-32];

identifying means for identifying said music reproduction device [user and merchant identification module, column 9, lines 44-55]; and
storing means for storing the user information read or changed by said music reproduction device identified by said identifying means in association with said music reproduction device [user registration database holding user information, column 9, lines 28-30]; and
communicating means for transmitting said user information by quasi-electrostatic field communication, electromagnetic wave communication, or optical communication directly between said information processing device and said music reproduction device [payment over communication network, column 2, lines 46-51], wherein said preference information is transmitted to said music reproduction device, and said music reproduction device is configured to select music and reproduce said music based on said music preference information [user information of users with administrative functions, column 9, lines 27-55].

For claim 3, Hill et al. teaches:

The information processing device as claimed in claim 1, wherein a device external to said information processing device is used as an input or output interface [payment server separate to merchant platform, column 2, lines 5-6].

For claim 5, Hill et al. teaches:

The information processing device as claimed in claim 1, wherein when an initial communication with said music reproduction device is performed, a first code used by said information processing device to encrypt information [random

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numbers, column 2, lines 5-6] and a second code generated in correspondence with said first code are generated [digital payment token, column 2, lines 7-10], and said first code is transmitted to said music reproduction device [issuance of digital token from random number, column 2, lines 7-10], and a third code used by said music reproduction device to encrypt information is obtained via said communicating means [random number in payment server compared for high level of cryptographic security, column 2, lines 24-40].

For claim 7, Hill et al. teaches:

The information processing device as claimed in claim 1, wherein a communication with an information managing device that manages said user information is performed via a network, and said user information is updated so that contents of the user information stored in said information processing device are identical with contents of the user information stored in said information managing device [carnet module supports interaction with merchant and payment service for user information consistency, column 5, lines 25-30].

For claim 8, Hill et al. teaches:

The information processing device as claimed in claim 7, wherein said information managing device identifies said music reproduction device permitted to read or change said user information, and provides said user information to the music reproduction device permitted to read or change said user information via said network [Program called NetSumm to manage user tokens in carnet, column 8, lines 18-55].

For claim 11, Hill et al. teaches:

The information processing device as claimed in claim 1, wherein new user information is created on a basis of a plurality of pieces of user information associated with a plurality of other information processing devices [creator module adds new user with multiple user information for payment and merchant platform, column 11, lines 9-17].

Claim 12 is the method of claim 1. Hill et al. teaches the limitations of claim 1 for the reasons stated above.

Claim 27 is the device of claims 1 and 4. Hill et al. teaches the limitations of claims 1 and 4 for the reasons stated above.

Claim 14 is the recording medium of claim 1. Hill et al. teaches the limitations of claim 1 for the reasons stated above.

For claim 15, Hill et al. teaches:

An information processing device for communicating with a plurality of other information processing devices via a network and storing user information related to a user, said information processing device comprising:
communicating means for communicating with a portable terminal possessed by the user via said network [client platform via PDA, column 4, lines 38-44];
obtaining means for obtaining the user information, by wireless communication, stored in said portable terminal and relating to said user [transfer information from user to merchant, column 4, lines 28-29];
updating means for updating said user information stored in said information processing

device on a basis of the user information obtained by said obtaining means [update on payment server, column 4, lines 30-32], said user information includes music preference information indicating music preferences of said user [user input part of request, column 2, lines 11-12], and said user information is updated on a basis of a history of use of contents provided from a music reproduction device [payer module honors requests based on history of previous transactions, column 13, lines 12-17]; generating means for generating data for updating said user information stored in said portable terminal [updater module updates carnet information database, column 12, lines 34-44]; and

communicating means for transmitting said user information by quasi-electrostatic field communication, electromagnetic wave communication, or optical communication directly between said information processing device and said music reproduction device [payment over communication network, column 2, lines 46-51], wherein said preference information is transmitted to said music reproduction device by said user, and said music reproduction device is configured to select music and reproduce said music based on said music preference information [user information of users with administrative functions, column 9, lines 27-55].

For claim 16, Hill et al. teaches:

The information processing device as claimed in claim 15, wherein when said portable terminal is not connected to said network, said communicating means communicates with music reproduction device in place of said portable terminal [if authorization refused, sent failure signal to payer module, column 12, lines 49-67].

For claim 17, Hill et al. teaches:

The information processing device as claimed in claim 16, wherein further stored as said user information are: information for identifying said portable terminal; a password for said portable terminal to authenticate said music reproduction device [user registration database requiring password, column 9, lines 28-32]; a first code used by said portable terminal to encrypt information and a second code generated in correspondence with the first code [random number database used to construct payment tokens, column 10, lines 10-23]; information for identifying said music reproduction device [authentication token, column 10, lines 10-23]; a password for said music reproduction device to authenticate said portable terminal [ID taken to authenticate during collector module, column 12, lines 49-67]; and a third code used by said music reproduction device to encrypt information [PIN identification at merchant module, column 13, lines 19-22].

For claim 18, Hill et al. teaches:

The information processing device as claimed in claim 15, further comprising updating means for updating said user information on a basis of a history of use of contents provided from said music reproduction device [updating based on previous transaction history, column 13, lines 12-17].

For claim 19, Hill et al. teaches:

The information processing device as claimed in claim 15, wherein

an access point connecting said portable terminal with said network is identified, a present value of said user is determined on a basis of a position of the identified said access point, and information on the present position of said user is stored as said user information [location of client installation, column 7, lines 64-67 – column 8, lines 1-17].

For claim 20, Hill et al. teaches:

The information processing device as claimed in claim 19, wherein an ID for identifying a device corresponding to said access point and an access key necessary to communicate with said device is further stored as said user information [identification provided, column 4, line 2].

For claim 21, Hill et al. teaches:

The information processing device as claimed in claim 20, wherein said communicating means communicates with said portable terminal at predetermined time intervals to update the information on the present position of said user, the ID for identifying the device corresponding to said access point, and the access key [node access in regular intervals, column 5, lines 6-24].

For claim 22, Hill et al. teaches:

The information processing device as claimed in claim 21, wherein when a request signal indicating a request for conversation with said user is received from said other information processing device via said network, said user information is transmitted to said music reproduction device [payment service request made from client and issued, column 5, lines 31-51].

For claim 23, Hill et al. teaches:

The information processing device as claimed in claim 15, wherein said user information exceeding a storage capacity of said portable terminal is further stored [Merchant Information database also holds records along with carnet information database, column 9, lines 44-67].

Claim 24 is the method of claim 15. Hill et al. teaches the limitations of claim 15 for the reasons stated above.

Claim 28 is the device of claim 15 and 22. Hill et al. teaches the limitations of claim 15 and 22 for the reasons stated above.

Claim 26 is the recording medium of claim 15. Hill et al. teaches the limitations of claim 15 for the reasons stated above.

For claim 29, Hill et al. teaches:

The information processing device as claimed in claim 1, wherein the user information includes the user's name [information being user information, column 7, lines 64-67 – column 8, lines 1-17].

For claim 30, Hill et al. teaches:

The information processing device as claimed in claim 1, further comprising: a sensor configured to detect a radio wave signal emitted from a chip external to the information processing device, and said user is authenticated based on the radio wave signal [payment linked by servers over network, column 2, lines 46-51].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. as set forth above against claim 1 above, and in view of Van Berkel et al. (US 2002/0190964 A1).

As per claim 9, Hill et al. teaches user identification [user and merchant identification module, column 9, lines 44-55], but does not teach electrostatic field from body of user for authentication.

Van Berkel et al. teaches quasi-electrostatic sensing with user's fingers for authentication [0009-0010].

Hill et al. (US 6,236,981 B1) and Van Berkel et al. (US 2002/0190964 A1) are analogous art because they are from the same field of endeavor of input devices and authentication.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the user identification described by Hill et al. and add quasi-electrostatic sensing as described by Van Berkel et al.

The motivation for doing so would be to have "electric field sensing components that are less bulky than known types [0013].

Therefore, it would have been obvious to combine Hill et al. (US 6,236,981 B1) with Van Berkel et al. (US 2002/0190964 A1) for the benefit of providing more secure authentication.

Response to Arguments

5. Applicant's arguments filed October 17, 2011 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

Applicant argues that Hill et al. (US 6,236,981 B1) does not describe a music reproduction device or music preference information indicating music preferences of a user, thus not pertaining to a music related device. In the Instant application's Specifications, the applicant states the "best mode for carrying out the invention" to be a personal key used for "preference information, authentication information" that is encrypted and is used as authentication to access data [pages 21-24]. The authentication information can give access to "Web pages, music information and the like" to a computer [pages 23-24]. Although the information presented after authentication can include music preferences for the computer, the instant application and its claims does not provide any patentable weight to the music information step and the best mode does not provide the necessity of accessing the music information. The Hill et al. reference clearly teaches the transfer of a token from user to a platform which authenticates the token value and subsequently provides communication to user upon authentication [column 2, lines 5-24]. This clearly teaches over claim 1 and related

claims' language of transmitting preference information to gain access to device based on preference information.

In light of the forgoing arguments, the 35 U.S.C. 102 and 103 rejections are hereby sustained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajith Jacob whose telephone number is 571-270-1763. The examiner can normally be reached on M-F 7:30-5:00 EST, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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